

1 ROBERTA STEELE, SBN 188198 (CA)
2 MARCIA L. MITCHELL, SBN 18122 (WA)
3 AMI SANGHVI, SBN 4407672 (NY)
4 U.S. EQUAL EMPLOYMENT
OPPORTUNITY
COMMISSION
5 San Francisco District Office
The Phillip Burton Federal Building
450 Golden Gate Avenue, 5 West
P.O. Box 36025
6 San Francisco, CA 94102
Telephone No. (415) 522-3071
7 ami.sanghvi@eeoc.gov

8
9 *Attorneys for Plaintiff EEOC*

10
11 DAVID MAREK, SBN 290686
THE MAREK LAW FIRM, INC.
12 228 Hamilton Avenue
Palo Alto, California 94301
13 Telephone No. (917) 721-5042
14 david@marekfirm.com

15 *Attorney for Plaintiff-Intervenor*

16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA

18 U.S. EQUAL EMPLOYMENT
19 OPPORTUNITY COMMISSION,

20 Plaintiff,
and

21 ADRIAN SCOTT DUANE,

22 Plaintiff-Intervenor,
23 vs.

24 IXL LEARNING, INC.,

25 Defendant.

26 Case No.: 3:17-cv-02979-VC

27
28 **POST-TRIAL JOINT CASE
MANAGEMENT STATEMENT**

Date: November 27, 2018
Time: 1:30 PM
Judge: Honorable Vince Chhabria

27 The parties to the above-entitled action jointly submit this JOINT CASE
28 MANAGEMENT STATEMENT pursuant to this Court's Text Order dated November 6, 2018

1 (ECF No. 152) and Civil Local Rule 16-10(d).

2 **1. FACTS/PROCEDURAL STATUS**

3 Plaintiff EEOC and Plaintiff-Intervenor Adrian Scott Duane brought a retaliation claim
 4 under Title VII and the ADA against Defendant IXL Learning, Inc. The claims were tried to a
 5 jury. The jury returned a defense verdict on October 29, 2018. This Court noticed a further Case
 6 Management Conference for November 27, 2018 and ordered that the parties file this Case
 7 Management Statement by November 20, 2018. (ECF No. 152). On November 20, 2018,
 8 Defendant requested to appear at the Case Management Conference by telephone, per ¶ 18 of
 9 Judge Chhabria's Civil Standing Order.

10 **2. MOTIONS**

11 Defendant filed a Bill of Costs on November 13, 2018. Plaintiffs' objections are due by
 12 November 27, 2018. (ECF No. 155)

13 The plaintiffs continue to evaluate whether to pursue a motion for a new trial pursuant to
 14 Fed. R. Civ. P. 59(a) and/or whether they intend to appeal the jury verdict.

15 DATED: November 20, 2018

16 US EQUAL EMPLOYMENT OPPORTUNITY
 17 COMMISSION

18 By: /s/ Ami Sanghvi
 19 AMI SANGHVI

20 DATED: November 20, 2018

21 THE MAREK LAW FIRM, INC.

22 By: /s/ David Marek
 23 DAVID MAREK

24 DATED: November 20, 2018

25 YOUNG BASILE HANLON & MACFARLANE

26 By: /s/ Jeffrey D. Wilson
 27 JEFFREY D. WILSON

LOCAL RULE 5-1(i)(3) ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3), I hereby attest that concurrence in the filing of this document has been obtained from David Marek and Jeffrey Wilson.

Date: November 20, 2018

/s/ Ami Sanghvi

AMI SANGHVI